

LPFM Comment From Jon Hall of Hall Electronics Inc. = A Broadcast Equipment Supplier and Service Provider

We have read with interest MM Docket No. 99-25; the LPFM Notice of Proposed Rulemaking. In some respects it seems unfortunate that much of this proceeding may be of less interest if the main infrastructure of American radio broadcasting hadn't been taken from the people and turned over to Wall Street for the profit of a relatively few. This isn't meant to completely dump on the new, very large radio broadcast corporations that are publicly traded but in many cases there is now less local input, more commercials, more homogeneous automated and syndicated programming, and far less programming variety. This is due, in large part, to distant, centralized programming centers and a drive for shareholder profits that is especially pushed by the extremely high prices paid for many of these properties. Gone, for the most part, are creatively programmed local stations, classical music, and just about anything that doesn't fit a tight overly consulted 'safe' list of but a few popular music, country, and urban music formats for FM stations and news/talk, sports, and adult standards stations on the AM side. Many of these stations are doing little for their communities other than playing their national lists of the safest music chosen by focus groups from afar. With the exception of the mostly AM all news, etc. formats, news, sports, and much public service programming has gone away in the interests of cost cutting and the perceived safest possible programming to achieve the greatest ratings.

This may even have some merit if the system was really working. For the past several years though according to the Radio Advertising Bureau commercial radio listenership has been falling in small but noticeably continuing steps with each passing year. Granted there are other competing technologies such as cassette tapes, satellite cable radio, and CDs, but for the most part these technologies or other similar ones have existed in some form since long before this trend started. Non-commercial radio listenership has risen noticeably in this period with it's somewhat more community attached programming but even it is threatened as non-commercial property values increase. Chain broadcasting from a very few large, donation hungry non-commercial broadcasters is threatening this portion of the FM band. These are primarily very large religious broadcast entities that are using up non-commercial channels for translator and broadcast stations at an alarming rate. Some of these groups are applying for ten to twenty or more new facilities a month and offering to purchase existing facilities at sometimes eye opening prices for cash strained institutions and other educational organizations. This certainly should not be taken to say that religious broadcasting shouldn't have a notable broadcast presence. It should but again here we have the relinquishment of control from what was once more the peoples medium more than any other. Daily newspaper ownership, television, and cable have always been mostly out of reach for most people. Radio wasn't nearly that way and it did provide for some interesting, community involved programming that is definitely on the wane today.

Should any level of low power FM radio licensing be permitted, it is important to make sure that these trends don't continue with it. There should be definite programming and ownership requirements placed on licensees. First, it would be reasonable to ask for a reasonable portion of locally originated programming. Possibly some requirement for local news, sports, or public service programming would be desirable too. This shouldn't be a burgeoning requirement but it should be enough to ensure that there is some basis for granting a license for LPFM as a unique service. Second, reasonable minimum hours of operation should be established. There is no point of granting anyone a license for the purpose of playing 'tunes' Saturday night if they have the time or inclination or to air

a church service once a week. These frequencies must be put in the hands of responsible parties who are interested in operating a real broadcast station with community commitment and involvement regardless of the chosen programming format. There needs to be some level of ownership period before a profitable sale of the facility. We must not repeat the frequency brokering that went on under docket 80-90 that made many people wealthy who never intended to operate a radio station. In other words if you don't want to operate a responsible broadcast facility and to develop it please don't apply! Perhaps a similar optional requirement could be voluntarily signed on to by first time station applicants as a way to reduce the auction price of standard power FMs. This should help promote new and minority broadcaster entry in to the standard 'full power' FM service. Third, there should be a national limit on the number of LPFMs which one entity owns. These stations should be run locally or at least regionally as much as is practicable. We should also be promoting honest ownership diversity and encouraging entry level broadcasters to apply for these permits. While it is arbitrary, I would think that owning no more than two stations per market or more than a total of ten stations national would be reasonable. Fourth, there should probably be some consideration for owners of full power AM daytime stations in LPFM ownership. This should only apply if the AM owner owns only that single station. It would be our feeling that those station owners should be considered on similar footing with first time LPFM entry broadcasters for an LPFM license within their primary coverage area.

Technical integrity of the FM band should be upheld at all costs if this new service should come to fruition. There may be some logic to to eliminating third adjacent channel protection requirements and, possibly, second adjacent channel protection for very low power LPFM stations. Questions on this level should be answered as much as possible by an unbiased, independent engineering group. What will work properly is a hard engineering question and should be politicized as little as is possible. With regard to digital in band FM, consideration for digital implementation for existing stations and new LPFM stations should be considered. The rule making proposal seems to address only digital implementation for existing full power station. LPFM will also need to implement digital transmission in order to remain competitive. Any engineering rule making decisions should allow for both full power and LPFM stations to upgrade to digital transmission standards.

As to power levels, we do agree with the rule making that 1kW LPFM stations should have full primary service protection. Locally programmed 1-10 Watt and 100 watt stations should operate on a secondary basis but should be a primary service relative to FM translators. Only translators which operate in the translated stations 1mV pattern which can demonstrate a need based on a signal coverage problem or booster stations should be exempted from secondary status relative to the proposed LPFM service. Should they be allowed, LPFMs operating strictly as repeater stations for other LPFMs should be considered as equal secondary services as, of course, the LPFM would then be nothing but a translator. It is realized that it may be difficult to implement and may cause commission nightmares, but it would be desirable to have some limited preclusion study attached for at least the primary channel to give some idea as to efficient channel use. It would also be desirable at a later date to allow incremental powers for these stations. For instance if a 100 Watt allocation could actually operate at 450 Watts with only limited preclusion's it would seem that this should be considered. I do agree that this may be impossible to address when licenses are originally dispersed or in the first few years after LPFM licensing, but it should be considered at a later date. Evidence supporting an an application supporting an incremental increase should be provided by the licensee.

Both commercial and non-commercial operation of 100 Watt and 1kW stations should be considered. 1-10 Watt stations should probably be supported by their listeners and by underwriting only. Non-commercial applicants should be given some form of credit for specifying non-commercial operation in their application. If a channel is licensed as a non-commercial basis, it should remain non-commercial for the life of the license and any subsequent renewals. A commercial status change from non-commercial to commercial should open the license to competing applications. License terms for LPFMs should be the same as for full power FM stations. Renewals should be handled in a similar matter as for other stations.

It has been our finding that there is a great need for 1-10 Watt stations for inner city colleges, smaller schools in rural areas with very limited budgets, for inner city and other youth organizations and camps. There is also a need for very low power licensing for temporary events. It was ashamed that the 10 Watt class D FM station was ever eliminated. Very low power stations are tremendously useful for covering small communities within a larger community. While I do see uses for other, higher power, FM allocations, this lowest power LPFM would be a very useful addition to the family of FM channel assignments.

Thank you for your consideration of these comments!

Sincerely,

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